

Order

SW- 05-0110 GGH

The court anticipates that the person(s) who have computer materials (includes software)/items (computer hardware) seized as a result of this warrant have information stored on the computer items, or otherwise have planned to utilize and access such materials/items, which has no pertinence to the criminal investigation underlying the issuance of this warrant. Computer materials and items which are not needed for the criminal investigation or potential forfeiture should be returned to the person(s) from whom seized as soon as practicable.

Therefore, the U.S. Secret Service and other agencies associated with this search shall copy/download what software it needs to copy for purposes of the criminal investigation, and subject to the evidentiary requirements of the case, shall return the original or a copy of the materials (software) seized to the affected persons. To the extent possible and permitted, all electronic copying should be performed on the premises where the computer hardware is located. Computer hardware which is not needed to be maintained by the Secret Service/U.S. Attorney for evidentiary purposes shall also be returned. If computer software and hardware is required to be removed from the premises, the time for return shall be within 60 days of the date of this order. Should all designated-to-be-returned material/items encompassed by this order not be able to be returned in such a time period, the U.S. Attorney shall seek from the undersigned a modification of the substance of this order or an extension of the time limitations in this order upon good cause shown.

Good cause will be evaluated in light of the cooperation of the person from whom the computer materials/information have been seized in permitting information to be copied /downloaded as well as evidentiary stipulations made with respect to chain of custody and authentication of information received. The Secret Service/U.S. Attorney may not use the press of its business as an excuse for not copying/downloading the computer information in a timely fashion.

If computer hardware or original software is to be indefinitely retained, the U.S. Attorney or appropriate Assistant U.S. Attorney shall file a pleading within 120 days of the seizure of the computer hardware in which he or she certifies that retention of the computer materials is necessary for evidentiary purposes of the case, or for potential forfeiture.

IT IS SO ORDERED

May 6, 2005

Gregory G. Hollows
GREGORY G. HOLLOWS

Gregory G. Hollows
United States Magistrate Judge

FILED

MAY - 6 2005

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK